

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

SEP 27 2010

Stephan Harris, Clerk
Cheyenne

Civil Action No. :

10CV0208 J

NANCY NEHL,

Plaintiff,

v.

UNITED FIRE & CASUALTY COMPANY and ALLSTATE INSURANCE COMPANY

Defendants.

NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT

TO: PLAINTIFF NANCY NEHL AND HER ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that on the 24th day of September, 2010, Defendants United Fire & Casualty Company ("United Fire") and Allstate Insurance Company ("Allstate") herein filed in the United States District Court for the District of Wyoming their Notice of Removal of this action to that Court.

This action was commenced by Plaintiff on July 22, 2010 in the District Court, County of Campbell, State of Wyoming, Case No. 31364. An Affidavit of Service stating that the Wyoming Insurance Commissioner was served a copy of the Summons and Complaint on behalf of United Fire was executed on August 27, 2010. Also on August 27, an Affidavit of Service stating that the Wyoming Insurance Commissioner was served a copy of the Summons and Complaint on behalf of Allstate was executed. In accordance with 28 U.S.C., § 1446(b), the notice of removal shall be filed within 30 days after service or other receipt of the Complaint.

Pursuant to U.S.D.C.L.R. 81.1, attached as Appendix A are copies of all pleadings which have been filed in the state court. These pleadings include the following:

1. Complaint for Underinsured Motorist Coverage;
2. Notice of Service of Process and Copy of Process to United Fire;
3. Notice of Service of Process and Copy of Process to Allstate;
4. Summons to United Fire;
5. Summons to Allstate;
6. Affidavit of Service for United Fire;
7. Affidavit of Service for Allstate; and
8. Notice of Removal to United States District Court.

See Appendices, attached hereto as Appendix A-1, A-2, A-3, A-4, A-5, A-6, A-7 and A-8.

Defendants further state that no hearings have been set in the state court as of this date. This Notice is timely, having been filed within thirty (30) days of the date upon which the Complaint was received by Defendants.

Plaintiff is now and at the time of the commencement of this action was a citizen and resident of the State of Wyoming. Defendant United Fire is now and was at the time of the commencement of this action incorporated in the State of Iowa with its principal place of business in the State of Iowa. Defendant Allstate is now and was at the time of the commencement of this action incorporated in the State of Illinois with its principal place of business in the State of Illinois. There is, therefore, diversity between the parties.

This is a civil action at law, with an amount in controversy exceeding \$75,000, excluding interest and costs. Under the Wyoming Rules of Civil Procedure, Plaintiff need not plead a specific dollar amount in the Complaint. WYO. R. CIV. P. 8(a). However, as stated in paragraph 17 of the Complaint, Plaintiff is seeking damages from Defendants in

an amount in excess of \$400,000 for general and special damages, including past and future medical expenses, past and future lost wages, pain and suffering and past and future loss of quality and enjoyment of life.

This action arises out of Plaintiff's claim made to Defendants for underinsured motorist coverage benefits. The Complaint alleges damages based on breach of contract against both Defendants for failure to make payments for underinsured motorist coverage to Plaintiff pursuant to the insurance policies Plaintiff had with each Defendant.

Plaintiff's claims constitute a civil action for which this Court has original jurisdiction under 28 U.S.C. § 1332(a) and, therefore, this action is removable from the District Court for the County of Campbell, State of Wyoming, to this Court under 28 U.S.C. § 1441(a).

DATED this 27th day of September, 2010.

Respectfully submitted,

By: s/ L. Kathleen Chaney

L. Kathleen Chaney, Esq.
LAMBDIN & CHANEY, LLP
4949 S. Syracuse Street, Suite 600
Denver, Colorado 80237
Telephone: (303) 799-8889
FAX: (303) 799-3700
E-mail: kchaney@lclaw.net
Attorney for United Fire & Casualty Company

By: s/ Kay Lynn Bestol

Kay Lynn Bestol, Esq.
SUNDHAL, POWERS, KAPP & MARTIN, LLC
1725 Carey Avenue
Cheyenne, WY 82001

Telephone: (307) 632-6421

FAX: (307) XXX-XXXX

E-mail: kbestol@spkm.org

Attorney for Allstate Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of September, 2010, a true and correct copy of the foregoing **NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT** was hand delivered to the Clerk of the Court and served via US Mail to the following:

Thomas E. Lubnau, II
PO Box 1028
300 S. Gillette Avenue, Suite 2000
Gillette, WY 82717
(307) 682-1313
tom@etseq.com

A handwritten signature in cursive script, appearing to read "Kay Lynn Lestol", is written over a horizontal line.

IN THE DISTRICT COURT
SIXTH JUDICIAL DISTRICT

STATE OF WYOMING
COUNTY OF CAMPBELL

NANCY NEHL,

Plaintiff,

Civil #

31364

v.

UNITED FIRE & CASUALTY
COMPANY and ALLSTATE
INSURANCE COMPANY,

Defendant.

FILED NO.
CIVIL ☐ PROBATE ☐ CRIMINAL ☐
ADOPT ☐ DEL ☐

JUL 22 2010

Christine Olson
DEPUTY CLERK OF DISTRICT COURT
Deputy

COMPLAINT FOR UNDERINSURED MOTORIST COVERAGE

Plaintiff, Nancy Nehl, (hereinafter referred to as the Plaintiff) by and through her attorneys, Thomas E. Lubnau, II and J. David Horning of Lubnau Law Office, P.C., brings her underinsured motorist coverage lawsuit against the Defendant United Fire and Casualty Company (hereinafter referred to as "United") and the Defendant Allstate Insurance Company (hereinafter referred to as "Allstate") and in support thereof states as follows:

FACTS

1. The Plaintiff, Nancy Nehl, is a resident of Campbell County, Wyoming.
2. The Defendant, United, is an insurance company licensed to do business in South Dakota and Wyoming.
3. The Defendant, Allstate, is an insurance company licensed to do business in Wyoming.
4. On the first day of January, 2000, the Defendant, United issued a valid automobile insurance policy to Silverado, Inc. d/b/a Overhead Door of Rapid City which contained valid and

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Appendix A-1

binding underinsured motorist coverage.

5. The Defendant, Allstate, issued a valid and binding automobile insurance policy which provided underinsured motorist coverage to the Plaintiff.
6. On or about, July 26, 2000, the Plaintiff, Nancy Nehl, was a passenger in a vehicle licensed and garaged in Wyoming and owned by Silverado, Inc. dba Overhead Door of Rapid City and lawfully operated by her husband, Bruce Nehl, on Shoher Road, in Campbell County, Wyoming, traveling southerly.
7. At the same time and place, Cathy Jo Fleming was operating an automobile traveling east on Summit Drive in Campbell County, Wyoming. Cathy Jo Fleming drove her vehicle through a stop sign and collided with the vehicle in which Nancy Nehl was a passenger, causing great bodily injury resulting in medical expenses, pain and suffering, other economic loss, and past and future loss of enjoyment and quality of life, and the need for future surgeries to repair her injuries.
8. At all times herein mentioned, the Plaintiff's vehicle was operated in a lawful, reasonable and prudent manner, with due caution and regard for other motorists and the motor vehicle laws of the State of Wyoming.
9. The Driver of the at-fault vehicle, Cathy Jo Fleming, did not have adequate insurance to cover the damages to the Plaintiff caused by the automobile accident. The Driver's insurance company has paid to the Plaintiff, the sum of \$50,000, the policy limits of the policy. The payment is inadequate to cover the Plaintiff's injuries or make her whole.
10. The Plaintiff was a covered party and insured under both the United and Allstate policies.

11. The Defendants, United and Allstate, have failed to make payments for underinsured motorist coverage to the Plaintiff under the policies despite their contractual obligation to do so under the insurance policies issued by them.
12. At the time of the accident, the vehicle being operated by the Defendant was underinsured and does not provide adequate coverage for the claims and damages asserted by the Plaintiff.
13. At the time of the accident, the Plaintiff had in force a policy of automobile insurance issued by Defendant United, covering the vehicle which was involved in the accident. Said policy of insurance contained a provision for uninsured/underinsured motorist coverage which provided, among other things, insurance coverage for losses and damages sustained in accidents which were caused by the negligent operation of a vehicle by third persons, when that vehicle is uninsured or underinsured at the time of the accident, and the third person is not otherwise entitled to coverage.
14. At the time of the accident, the Plaintiff had in force a policy of automobile insurance issued by Defendant Allstate. Said policy of insurance contained a provision for uninsured/underinsured motorist coverage which provided, among other things, insurance coverage for losses and damages sustained in accidents which were caused by the negligent operation of a vehicle by third persons, when that vehicle is uninsured or underinsured at the time of the accident, and the third person is not otherwise entitled to coverage.
15. The Plaintiff is entitled to be paid by the Defendants, or each of them, for any and all damages sustained by the Plaintiff resulting from the negligence of the Driver of the underinsured vehicle.

16. The Defendants have each breached its contract with the Plaintiff by failing to make any payments to the Plaintiff's under the underinsured motorist provision of the Plaintiff's policy.
17. The Plaintiff has been damaged by the Defendants in an amount in excess of \$400,000 for general and special damages, including past and future medical expenses, past and future lost wages, pain and suffering, and past and future loss of quality and enjoyment of life.

WHEREFORE, the Plaintiff, demands judgment be entered against the Defendants, or each of them, as follows:

- a. For general and special damages compensatory in an amount to be determined at trial.
- b. For costs, pre-judgment interest, post-judgment interest,
- c. And for such further relief as the court deems equitable and just.

LUBNAU LAW OFFICE, P.C.
ATTORNEYS AT LAW

By: 

Thomas E. Lubnau II, WSB #5-2218
P. O. Box 1028
300 S. Gillette Avenue, Suite 2000
Gillette, WY 82717
(307) 682-1313 tom@etseq.com

Kristine Scharas
4001011980

STATE OF WYOMING)
) ss
COUNTY OF CAMPBELL)

IN THE DISTRICT COURT
SIXTH JUDICIAL DISTRICT

NANCY NEHL,

Plaintiff,

vs.

UNITED FIRE & CASUALTY COMPANY
and ALLSTATE INSURANCE COMPANY,

Defendants.

Civil #CV-31364

NOTICE OF SERVICE OF PROCESS AND COPY OF PROCESS

TO: UNITED FIRE & CASUALTY CO.
118 Second Avenue, SE
Cedar Rapids, IA 52401-1253

Return Receipt # 7007 3020 0001 3025 9078

YOU ARE HEREBY NOTIFIED, that the Plaintiff, Nancy Nehl, and through her attorney, THOMAS E. LUBNAU, II, of LUBNAU LAW OFFICE, PC., pursuant to W. S. § 26-3-122 hereby notifies you that service of process against you in the above-captioned matter has been made on August 27, 2010, by delivering to and leaving with the Insurance Commissioner of the State of Wyoming, his deputy, or person in apparent charge of his office during his absence, two (2) copies of said process together with the fee as provided in W.S. § 26-4-101, taxable as costs in the action. A copy of the process is attached hereto.

DATED this 9th day of September, 2010.

LUBNAU LAW OFFICE, PC.

By: 

Thomas E. Lubnau, II
300 S. Gillette Avenue, Suite 2000
P. O. Box 1028
Gillette, WY 82717-1028
(307) 682-1313

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Appendix A-2

STATE OF WYOMING)
) ss
 COUNTY OF CAMPBELL)

IN THE DISTRICT COURT
 SIXTH JUDICIAL DISTRICT

NANCY NEHL,

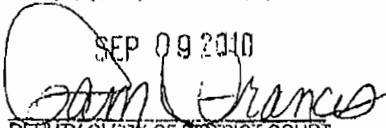
Plaintiff,

vs.

UNITED FIRE & CASUALTY COMPANY
 and ALLSTATE INSURANCE COMPANY,

Defendants.

Civil #CV-31364

FILED NO. _____
 CIVIL ☐ PROBATE ☐ CRIMINAL ☐
 ADOPT ☐ DELO ☐
 SEP 09 2010

 DEPUTY CLERK OF DISTRICT COURT

NOTICE OF SERVICE OF PROCESS AND COPY OF PROCESS

TO: ALLSTATE INSURANCE CO.
 2775 Sanders Road
 Northbrook, IL 60062

Return Receipt # 7007 3020 0001 3025 9085

YOU ARE HEREBY NOTIFIED, that the Plaintiff, Nancy Nehl, and through her attorney, THOMAS E. LUBNAU, II, of LUBNAU LAW OFFICE, PC., pursuant to W. S. § 26-3-122 hereby notifies you that service of process against you in the above-captioned matter has been made on August 27, 2010, by delivering to and leaving with the Insurance Commissioner of the State of Wyoming, his deputy, or person in apparent charge of his office during his absence, two (2) copies of said process together with the fee as provided in W.S. § 26-4-101, taxable as costs in the action. A copy of the process is attached hereto.

DATED this 9th day of Spetember, 2010.

LUBNAU LAW OFFICE, PC

By: 

Thomas E. Lubnau, II
 300 S. Gillette Avenue, Suite 2000
 P. O. Box 1028
 Gillette, WY 82717-1028
 (307) 682-1313

51564

IN THE DISTRICT COURT

STATE OF WYOMING

SIXTH JUDICIAL DISTRICT

COUNTY OF CAMPBELL

NANCY NEHL,

Plaintiff,

Civil #31364

v.

UNITED FIRE & CASUALTY
COMPANY and ALLSTATE
INSURANCE COMPANY,

Defendant.

SUMMONS

To the above-named Defendant: *United Fire & Casualty Company*
118 Second Avenue, SE
Cedar Rapids, Iowa 52401-1253

YOU ARE HEREBY SUMMONED and required to file with the Clerk and serve upon the Plaintiff's attorney, an answer to the Complaint which is herewith served upon you, within twenty (20) days after service of this *Summons* upon you, exclusive of the day of service. (If service upon you is made outside of the State of Wyoming, you are required to file and serve your answer to the *Complaint* within thirty (30) days after service of this *Summons* upon you, exclusive of the day of service.) If you fail to do so, Judgment by default will be taken against you for the relief demanded in the *Complaint*.

DATED this 23 day of August, 2010.

NANCY RATCLIFF

Clerk of District Court

BY: 
Deputy Clerk

PREPARED BY:

LUBNAU LAW OFFICE, PC
Attorneys at Law

BY: 

Thomas E. Lubnau, Jr., Attorney for Plaintiff
P.O. Box 1028, Gillette, WY 82717
(307) 682-1313

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Exhibit A-4

IN THE DISTRICT COURT
SIXTH JUDICIAL DISTRICT

STATE OF WYOMING
COUNTY OF CAMPBELL

NANCY NEHL,

Plaintiff,

Civil #31364

v.

UNITED FIRE & CASUALTY
COMPANY and ALLSTATE
INSURANCE COMPANY,

Defendant.

SUMMONS

To the above-named Defendant: *ALLSTATE INSURANCE COMPANY*
2775 Sanders Road
Northbrook, Illinois 60062-6127

YOU ARE HEREBY SUMMONED and required to file with the Clerk and serve upon the Plaintiff's attorney, an answer to the Complaint which is herewith served upon you, within twenty (20) days after service of this *Summons* upon you, exclusive of the day of service. (If service upon you is made outside of the State of Wyoming, you are required to file and serve your answer to the *Complaint* within thirty (30) days after service of this *Summons* upon you, exclusive of the day of service.) If you fail to do so, Judgment by default will be taken against you for the relief demanded in the *Complaint*.

DATED this 23 day of August, 2010.

NANCY RATCLIFF

Clerk of District Court

BY 

Deputy Clerk

PREPARED BY:
LUBNAU LAW OFFICE, PC
Attorneys at Law

BY: 

Thomas E. Lubnau, II, Attorney for Plaintiff
P.O. Box 1028, Gillette, WY 82717
(307) 682-1313

STATE OF WYOMING)
) SS
 COUNTY OF CAMPBELL)

IN THE DISTRICT COURT
 SIXTH JUDICIAL DISTRICT

NANCY NEHL,

Plaintiff,

vs.

UNITED FIRE & CASUALTY
 COMPANY and ALLSTATE
 INSURANCE COMPANY,

Defendants.

Civil # 31364

FILED NO. ~~CRIMINAL~~
 CIVIL PROBATE ADOPTED DEED

AUG 31 2010

DEPUTY CLERK OF DISTRICT COURT

AFFIDAVIT OF SERVICE

Wyoming Insurance Commissioner
 (United Fire & Casualty Company)

STATE OF WYOMING)
) ss
 COUNTY OF LARAMIE)

I, Tim Greene, of Continental Investigations, being first duly sworn, on oath, deposes and says that I am over the age of 21 years, am not a party to this action or interested therein, and that I made service of the *Summons and Complaint* in the County aforesaid on the 27th day of August, 2010, by delivering a copy of the same to: Cheryl F. Eichler, Personally and in Person, at 106 E. 6th Ave. Cheyenne, Laramie County, Wyoming at 1621 hrs.

CONTINENTAL INVESTIGATIONS

BY:

Tim Greene
 Tim Greene

Subscribed and sworn to before me this 27 day of August, 2010.

Witness my hand and official seal.



My Commission Expires August 5, 2013

Angela D. Ragan-Specht
 Notary Public

09/13/2010 02:59 PM

Appendix A-6

SEP-15-2010 WED 12:08 PM CLERK OF DISTRICT COURT

FAX NO. 3076876209

P. 03

31364

STATE OF WYOMING)
) SS
 COUNTY OF CAMPBELL)

IN THE DISTRICT COURT
 SIXTH JUDICIAL DISTRICT

NANCY NEHL,

Plaintiff,

vs.

UNITED FIRE & CASUALTY
 COMPANY and ALLSTATE
 INSURANCE COMPANY,

Defendants.

Civil # 31364

FILED NO.
 CIVIL PROBATE & CRIMINAL
 ADOPTEE DELE

AUG 31 2010

DEPUTY CLERK OF DISTRICT COURT

AFFIDAVIT OF SERVICE
 Wyoming Insurance Commissioner
 (Allstate Insurance Company)

STATE OF WYOMING)
) ss
 COUNTY OF LARAMIE)

I, Tim Greene, of Continental Investigations, being first duly sworn, on oath, deposes and says that I am over the age of 21 years, am not a party to this action or interested therein, and that I made service of the *Summons and Complaint* in the County aforesaid on the 27th day of August, 2010, by delivering a copy of the same to: Cheryl Fiechter, Personally and in Person, at 106 E 6th Ave. Cheyenne, Laramie County, Wyoming at 11:21 hrs.

CONTINENTAL INVESTIGATIONS

BY: Tim Greene
 Tim Greene

Subscribed and sworn to before me this 27 day of August, 2010.



My Commission Expires:

Angela D. Ragan-Specht
 Notary Public

ENTERED
 [Signature]

L. Kathleen Chaney, Esquire
Lambdin & Chaney, LLP
4949 S. Syracuse St., Suite 600
Denver, Colorado 80237
(303) 799-8889 – Telephone
(303) 799-3700 - Facsimile

IN THE DISTRICT COURT, SIXTH JUDICIAL DISTRICT
COUNTY OF CAMPBELL, STATE OF WYOMING
Civil # CV-31364

NANCY NEHL,)
)
Plaintiff,)
v.)
)
UNITED FIRE & CASUALTY COMPANY))
and)
ALLSTATE INSURANCE COMPANY)
)
Defendants.)

**NOTICE OF REMOVAL OF DISTRICT COURT CASE TO UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF WYOMING**

TO: NANCY NEHL AND HER ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that on the 24th day of September, 2010, Defendants United Fire & Casualty Company and Allstate Insurance Company herein filed in the United States District Court for the District of Wyoming their Notice of Removal of this action to that Court. A copy of such Notice is attached hereto as Exhibit A.

DATED this 27th day of September, 2010.

Respectfully submitted,

By: s/ L. Kathleen Chaney

L. Kathleen Chaney, Esq.
LAMBDIN & CHANEY, LLP
4949 S. Syracuse Street, Suite 600
Denver, Colorado 80237
Telephone: (303) 799-8889
FAX: (303) 799-3700
E-mail: kchaney@lclaw.net
Attorney for United Fire & Casualty Company

By: s/ Kay Lynn Bestol

Kay Lynn Bestol, Esq.
SUNDHAL, POWERS, KAPP & MARTIN, LLC
1725 Carey Avenue
Cheyenne, WY 82001
Telephone: (307) 632-6421
FAX: (307) XXX-XXXX
E-mail: kbestol@spkm.org
Attorney for Allstate Insurance Company

12CV2085

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Nancy Nehl

(b) County of Residence of First Listed Plaintiff Campbell County, WY
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Thomas E. Lubnau II; Lubnau Law Office, P.C.
PO Box 1028, Gillette, WY 82717 (307) 682-1313

DEFENDANTS

ALLSTATE INSURANCE COMPANY

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

Kay Lynn Bestol, Sundahl, Powers, Kapp & Martin, PO Box
328, Cheyenne, WY 82003 (307) 632 6421

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Leas & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1332(a)

Brief description of cause:

Personal Injuries from a motor vehicle accident being claimed under an insurance contract.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09/27/2010

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT # 10167 AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of September, 2010, a true and correct copy of the foregoing **NOTICE OF REMOVAL OF DISTRICT COURT CASE TO UNITED STATES DISTRICT COURT FOR THE DISTRICT OF WYOMING** was filed with the Court and served via US Mail to the following:

Thomas E. Lubnau, II, Esquire
PO Box 1028
300 S. Gillette Avenue, Suite 2000
Gillette, WY 82717

*Printed copy with original signature on file at the
office of Lambdin & Chaney, LLP*

/s/ Alexis Tormey
Alexis Tormey

Appendix B

**SUPPLEMENTAL CIVIL COVER SHEET FOR
NOTICES OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1446 - 47 and U.S.D.C.L.R. 81.1, the removing party shall promptly file a copy of each of the state court pleadings.

Section A - Plaintiffs

Plaintiffs remaining in action at the time of filing the notice of removal:

Nancy Nehl

Section B - Defendants

Defendants remaining in action at the time of filing the notice of removal:

United Fire & Casualty Company and
Allstate Insurance Company

**Section C - Pending Motions
As of Date of Removal**

Title of Motion:

None

Date Motion Filed:

N/A

Section D - Hearings

None

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